

PAMPHLET CONTAINING
ORDINANCE NO. 2019-6

AN ORDINANCE OF THE VILLAGE OF WILLIAMSVILLE, ILLINOIS ADOPTING
CHAPTER 285 ARTICLE VI FOR THE OPERATION OF NON-HIGHWAY VEHICLES ON
ROADWAYS WITHIN THE VILLAGE OF WILLIAMSVILLE TO THE CODE OF THE
VILLAGE OF WILLIAMSVILLE

This pamphlet published June 24, 2019
by authority of the Board of Trustees, Village of
Williamsville, Illinois.

Karen Winger, Village Clerk

**AN ORDINANCE OF THE VILLAGE OF WILLIAMSVILLE, ILLINOIS ADOPTING
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ON ROADWAYS WITHIN THE VILLAGE OF WILLIAMSVILLE TO THE CODE OF
THE VILLAGE OF WILLIAMSVILLE**

WHEREAS, the Village of Williamsville is an Illinois home rule municipal corporation; and

WHEREAS, Section 11-1426.1 of the Illinois Motor Vehicle Code (625 ILCS 5/11-1426.1) grants municipalities the authority to authorize the use of "non-highway vehicles", as that term is used and defined by 625 ILCS 5/11-1426.1, on roadways under their respective jurisdictions; and

WHEREAS, an all-terrain vehicle, as defined by 625 ILCS 5/1-1.01.8, is included within the definition of "non-highway vehicle" under 625 ILCS 5/11-1426.1(a)(1); and

WHEREAS, a golf cart, as defined by 625 ILCS 5/1-123.9, is included within the definition of "non-highway vehicle" under 625 ILCS 5/11-1426.1(a)(2); and

WHEREAS, an off-highway motorcycle, as defined by 625 ILCS 5/1-153.1, is included within the definition of "non-highway vehicle" under 625 ILCS 5/11-1426.1(a)(B); and

WHEREAS, a recreational off-highway vehicle, as defined by 625 ILCS 5/1-168.8, is also included within the definition of "non-highway vehicles" as defined by 625 ILCS 5/11-1426.1(a)(4); and

WHEREAS, the Board of Trustees of the Village of Williamsville, Illinois have determined that the operation of golf carts, all-terrain vehicles and recreational off-highway vehicles on the streets, roads, and alleys within the Village, should be permitted subject to the regulations and rules adopted from time to time by the Board of Trustees;

WHEREAS, the Board of Trustees of the Village have considered the volume, speed, and character of the traffic generally experienced on the streets, roads, and alleys within the Village and have determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1426.1, golf carts, all-terrain vehicles and recreational off-highway vehicles may safely travel on and across the streets, roads, and alleys within the Village;

WHEREAS, the Board of Trustees find that the operation of golf carts, all-terrain vehicles and recreational off-highway vehicles on roadways within its jurisdiction will not jeopardize public safety; and

WHEREAS, the Board of Trustees find that it is in the best interests of the residents of the Village to not authorize the use of off-highway motorcycles on the streets, roads, and alleys within the Village; and

WHEREAS, no action by the Village, whether in adopting this Ordinance or otherwise, designates the operation of a non-highway vehicle as an intended and permitted use of property with respect to Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act.

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Williamsville, Illinois, as follows:

Section One. The above recitals are incorporated herein and made a part hereof.

Section Two. That Article VI of Chapter 285 Non-Highway Vehicles is hereby adopted and made part of the Code of the Village of Williamsville, Illinois.

Article VI
Non-Highway Vehicles

§285-12 DEFINITIONS. The definitions of words and phrases set forth in §§1-101.05 to 1-200 of the Illinois Vehicle Code, 625 ILCS 5/1-101.05 to 1-220, are hereby adopted the same as if set out at length herein, and made a part hereof for purposes of this Article.

NON-HIGHWAY VEHICLE. A motor vehicle not specifically designed to be used on a public highway including a golf cart, an all-terrain vehicle or a recreational off-highway vehicle as each is defined by the Illinois Vehicle Code, but not including an off-highway motorcycle as defined by the Illinois Vehicle Code.

§285-13 OPERATION OF NON-HIGHWAY VEHICLES. Except as provided in this Article, it shall be unlawful for any person to drive or operate a non-highway vehicle upon any street, road, alley, or highway within the Village of Williamsville. Non-highway vehicles may be operated by a person on streets, roads, and alleys within the Village of Williamsville, only if the non-highway vehicle has first been issued a permit therefor, the non-highway vehicle has been issued and displays a tag or sticker as provided for in Section 285-14, and the operator and the non-highway vehicle complies with all of the following requirements and regulations:

(A) The non-highway vehicle must be equipped with the following in good working order and condition at all times: brakes, brake lights on rear of the vehicle, a steering apparatus (such as a steering wheel), tires, a rearview mirror, horn, a "slow moving vehicle" emblem (as required of other vehicles in 625 ILCS 5/12-709) on the rear of the non-highway vehicle, a headlight that emits a white light visible from a distance of five hundred (500) feet to the front, a tail lamp that emits a red light visible from at least one hundred (100) feet from the rear front and rear turn signals, red reflector warning devices on the front and rear of the vehicle, and any additional equipment that may from time to time be required by the Illinois Motor Vehicle Code;

(B) When operated on a street, road, alley, or highway, the non-highway vehicle shall, pursuant to 625 ILCS 5/12-201, have its headlight and tail lamps lighted at all times when rain, snow, fog, or other atmospheric conditions require the use of windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets, roads, and alleys are not clearly discernible at a distance of one thousand (1,000) feet;

(C) The operator must possess a valid Illinois driver's license and be at least eighteen years of age or older;

(D) The operator of a non-highway vehicle must operate the non-highway vehicle in compliance with all Village ordinances and the provisions of the Illinois Motor Vehicle Code (625 ILCS 5/1-101, et seq.), as amended from time to time;

(E) A non-highway vehicle may only be operated on streets where the posted speed limit is thirty miles per hour or less;

(F) A non-highway vehicle may not be operated on sidewalks or other public property not accessible to or authorized for vehicular traffic;

(G) No person operating a non-highway vehicle shall make a direct crossing upon or across any other highway under the jurisdiction of the State of Illinois except at an intersection of the highway with another public street, road, or highway. The following are intersections of the Village streets and State highways hereby designated as the only authorized crossing locations: North Elm Street at Old Route 66.

(H) No person shall operate nor shall any owner permit another person to operate a non-highway vehicle on the roads, streets, highways, or alleys within the Village of Williamsville unless the non-highway vehicle is covered by a liability insurance policy and the operator of a non-highway vehicle carries within the vehicle evidence of such insurance pursuant to Article VI of Chapter 7 of the Illinois Vehicle Code, 625 ILCS 5/7-601, et seq.

(I) A person who operates or is in actual physical control of a non-highway vehicle on a roadway while under the influence is subject to 625 ILCS 5/11-501 through 625 ILCS 5/11-502.

(J) Only those non-highway vehicles included in the definition of "non-highway vehicle" in Section 285-12 of this Article shall be operated on any road, street, highway, or alley within the Village of Williamsville. Any vehicle included in the definition of "non-highway vehicle" in 625 ILCS 5/11-1426.1 but not included in the definition of "non-highway vehicle" in Section 285-12 of this Article, including, but not limited to, "off-highway motorcycles," shall not be operated on any road, street, highway, or alley within the Village of Williamsville.

(K) Each non-highway vehicle may transport only as many individuals as is the lesser of (1) the number of seats or (2) the maximum number of occupants its manufacturer designates. No individuals may ride on any portion of the non-highway vehicle other than seats.

(L) No non-highway vehicle shall be parked on Main Street.

(M) No non-highway vehicle shall be operated before 6:00 a.m. or

after 10:00 p.m. C.S.T.

§285-15 PERMIT TO OPERATE A NON-HIGHWAY VEHICLE. It shall be unlawful to operate a non-highway vehicle within the Village of Williamsville without first having obtained a permit therefor.

(A) Prior to being allowed to operate a non-highway vehicle within the Village of Williamsville, the owner of a non-highway vehicle must apply for a permit to operate such non-highway vehicle by completing an application in such manner and form as may be required by the Chief of Police, or his designee, and submitting an annual application/inspection fee of one hundred dollars (\$100.00).

(B) In addition to the application and fee, the applicant shall attach to his/her application proof of insurance as required by Article VI of Chapter 7 of the Illinois Vehicle Code, 625 ILCS 5/7-601 et seq.

(C) Upon receipt of the completed application form, application materials, and fee required by this Section, the Chief of Police, or his designee, shall conduct an inspection of the non-highway vehicle to ensure its compliance with this Article. If the applicant's completed application and non-highway vehicle meet the requirements of this Article, a tag or sticker for the non-highway vehicle that has passed inspection shall be furnished, and such tag or sticker shall be posted or affixed in a conspicuous and visible location on the non-highway vehicle as directed by the Chief of Police, or his designee.

(D) Permits issued pursuant to this Article shall be for a period of one (1) year, commencing July 1st of each year and terminating on June 30th of the following year. Each permit shall be issued for operation of one (1) designated non-highway vehicle. Permits and stickers issued pursuant to this Article shall not be assignable or transferable to other vehicles.

§285-15 PERMIT REVOCATION. The permit issued pursuant to this Article may be revoked by the Chief of Police, or his designee, if:

(A) There is any material misrepresentation made by the applicant on the application; or

(B) The required liability insurance is no longer in full force and effect; or

(C) There is evidence that the permit holder can no longer safely operate the non-highway vehicle; or

(D) There has been a violation of the provisions of this Article.

(E) Failure to comply with any and all Village of Williamsville Police Department's administrative rules regarding the operation of non-highway vehicles.

If any of the above requirements are met, the Chief of Police, or his designee, shall issue a notice of revocation of a permit in writing and either hand-deliver the notice to the permit holder, or send the notice by certified mail, return receipt requested, to the permit holder at the address on the application. The revocation of the permit shall be effective immediately after personal service, or on the third (3rd) day after the postmark of the certified mail receipt. The permit holder shall not be entitled to any portion of the annual fee upon a revocation of the permit.

§285-16 VIOLATIONS AND PENALTIES. Any person violating or aiding or abetting the violation of any provisions of this Article is guilty of a petty offense and shall be fined not less than \$250.00 but not more than \$750.00 per occurrence. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than one (1) year. To the extent that any violation of this Article also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution. To the extent that any violation of this Article also constitutes a violation of a provision of the Illinois Vehicle Code, then the violator shall also be subject to prosecution for such traffic offense.

Section Three: Except as amended herein by this Ordinance, all other provisions of the Code of the Village of Williamsville, Williamsville, Illinois, as amended, shall remain in full force and effect.

Section Four: Any Ordinance of Section of the Village Code in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict. If any part of this Ordinance be held void, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Section Five: This Ordinance shall take effect and be in force from and after its passage and approval as required by law pursuant to roll call vote as follows:

AYES: 5

NAYS: _____

ABSENT: _____

Trustee Brennan
Voted "present"

PASSED by the Village Board of Trustees of the Village of Williamsville, and filed in the Office of the Village Clerk of Williamsville, Illinois, on the 24 day of June, 2019.

VILLAGE OF WILLIAMSVILLE

By [Signature]
President of the Board of Trustees

ATTEST:

By [Signature]
Karen Winger, Village Clerk